

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mrs Vicki Dunne)

Freedom of Information Amendment Bill 2008

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Documents affecting relations with Commonwealth and States Section 34 (2) to (4) and (6)	2
5 Executive documents Section 35 (3) to (6)	2
6 Internal working documents Section 36 (3), (4) and (8)	2
7 Certificates—acknowledgement about existence of documents not required Section 58 (a)	3

J2008-826

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Contents

	Page
8	Powers of tribunal
	Section 62 (3) 3
9	Section 62 (4) 3
10	Section 62 (5) 3
11	Section 62 (6) 3
12	Section 62 (6) 3
13	Section 63 heading 3
14	Section 63 (1) 4
15	Section 63 (2) (a) 4
16	Section 63 (2) (b) 4
17	Section 63 (8) 4
18	Section 63 (9) 4
19	Section 64 heading 4
20	Section 64 5
21	Section 64 (1) 5
22	Hearing of certain proceedings before the tribunal
	Section 65 (2) (a) (iv) 5
23	Section 65 (2) (a) (v) 5
24	Section 65 (2) (a) (vi) 5
25	Section 65 (2) (a) (vi) 5
26	Production to the tribunal of documents in relation to which a certificate has been issued
	Section 67 (1) 6
27	Section 67 (2) 6
28	Parties
	Section 70 (c) 6
29	Production of exempt documents
	Section 74 (5) 6
30	Section 74 (5) (a) 7
31	Section 74 (5) (b) 7
32	Section 74 (6) 7
33	Evidence of certificates
	Section 75 7

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(As presented)

(Mrs Vicki Dunne)

Freedom of Information Amendment Bill 2008

A Bill for

An Act to amend the *Freedom of Information Act 1989*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Freedom of Information Amendment Act 2008*.

3 **2 Commencement**

4 (1) This Act (other than section 21) commences on the day after this
5 Act's notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 (2) Section 21 commences immediately after the commencement of the
9 *ACT Civil and Administrative Tribunal Legislation Amendment*
10 *Act 2008 (No 2)*, amendment 1.195.

11 **3 Legislation amended**

12 This Act amends the *Freedom of Information Act 1989*.

13 **4 Documents affecting relations with Commonwealth and**
14 **States**
15 **Section 34 (2) to (4) and (6)**

16 *omit*

17 **5 Executive documents**
18 **Section 35 (3) to (6)**

19 *omit*

20 **6 Internal working documents**
21 **Section 36 (3), (4) and (8)**

22 *omit*

- 1 **7 Certificates—acknowledgement about existence of**
2 **documents not required**
3 **Section 58 (a)**
- 4 *omit*
5 section 34 (4), section 35 (5) or
- 6 **8 Powers of tribunal**
7 **Section 62 (3)**
- 8 *omit*
9 section 34, section 35, section 36 or
- 10 **9 Section 62 (4)**
- 11 *omit*
12 section 34, section 35 or
- 13 **10 Section 62 (5)**
- 14 *omit*
- 15 **11 Section 62 (6)**
- 16 *omit*
17 section 34 (4) or
- 18 **12 Section 62 (6)**
- 19 *omit*
20 section 34 (1) or
- 21 **13 Section 63 heading**
- 22 *substitute*
- 23 **63 Proceedings on exercise of certain powers**

1 **14 Section 63 (1)**

2 *omit*

3 section 62 (4), (5) or (6)

4 *substitute*

5 section 62 (4) or (6)

6 **15 Section 63 (2) (a)**

7 *omit*

8 section 34 (2), section 35 (3), section 35 (5) or

9 **16 Section 63 (2) (b)**

10 *omit*

11 section 34 (4) or

12 **17 Section 63 (8)**

13 *omit*

14 section 34, section 35, section 36 or

15 **18 Section 63 (9)**

16 *substitute*

17 (9) In this section:

18 *appropriate Minister*, for a document for which a certificate is in
19 force under section 37A, means the Minister who gave, or whose
20 delegate gave, the certificate.

21 **19 Section 64 heading**

22 *substitute*

23 **64 Constitution of tribunal for certain proceedings**

1 **20 Section 64**

2 *omit*
3 section 62 (4), (5) or (6)
4 *substitute*
5 section 62 (4) or (6)

6 **21 Section 64 (1)**

7 *omit*
8 section 62 (4), (5) or (6)
9 *substitute*
10 section 62 (4) or (5)

11 **22 Hearing of certain proceedings before the tribunal**
12 **Section 65 (2) (a) (iv)**

13 *omit*
14 section 34 (2), section 35 or

15 **23 Section 65 (2) (a) (v)**

16 *omit*

17 **24 Section 65 (2) (a) (vi)**

18 *omit*
19 section 34 (4) or

20 **25 Section 65 (2) (a) (vi)**

21 *omit*
22 section 34 or

1 **26 Production to the tribunal of documents in relation to**
2 **which a certificate has been issued**
3 **Section 67 (1)**

4 *omit*
5 section 34, section 35, section 36 or

6 **27 Section 67 (2)**

7 *omit*
8 section 62 (4), (5) or (6)
9 *substitute*
10 section 62 (4) or (6)

11 **28 Parties**
12 **Section 70 (c)**

13 *omit*
14 section 62 (4), (5) or (6)
15 *substitute*
16 section 62 (4) or (6)

17 **29 Production of exempt documents**
18 **Section 74 (5)**

19 *omit*
20 section 62 (4), (5) or (6)
21 *substitute*
22 section 62 (4) or (6)

1 **30 Section 74 (5) (a)**
2 *omit*
3 section 34, section 35, section 36 or

4 **31 Section 74 (5) (b)**
5 *omit*
6 section 34 (4) or

7 **32 Section 74 (6)**
8 *omit*
9 section 35 (4), section 36 (4) or

10 **33 Evidence of certificates**
11 **Section 75**
12 *omit*
13 section 34, section 35, section 36 or

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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